

I, Cris Dush, declare that the following statements are true to the best of my recollection:

1. I am a plaintiff in the above-referenced lawsuit.
2. I live in Jefferson County Pennsylvania.
3. I am a Pennsylvania State Senator.
4. My reputation as the “Keeper of the Covenant” in guarding the true meaning of the language contained in our Commonwealth’s and federal constitutions is well documented (see attachment), particularly with keeping each branch of government within our respective lanes and defending the role of the legislature.
5. The Constitutions are a special form of contract called a covenant. Like real estate and franchise contracts they begin by identifying the parties involved (We, The People...). To continue with the sports franchise analogy; Article 1 (The Bill of Rights) of the Pennsylvania State Constitution lays out the rights of the franchise holders. Article 2 (The Legislature) defines the rules committee from among the franchise holders who, in Article 3 (Legislation) create the rules for the field of play. The legislature is the only body in the Pennsylvania Constitution which the franchise holders have authorized to write the rules for The People and the rest of government. Article 4 (The Executive) and Article 5 (The Judiciary) are literally and figuratively, and on purpose, under the law.
6. The Sovereignty to make the rules is with The People and, through the specific delegation in Article 2, The Legislature. Neither the Executive nor Judicial branches have been given the authority under the Constitution to write law.
7. As President George Washington once said, “All government is force.” Government uses implied or actual force to compel individuals and entities to do something or not to do something.
8. The only body The People of Pennsylvania have entrusted with the responsibility of creating the rules to apply that force is the Legislative branch.
9. When Governor Shapiro and Secretary of State Schmidt created a system of voter registration through the Department of Motor Vehicles which told the franchise holders of the Commonwealth who are obtaining or renewing their driver’s license “You will be registered” to vote they are using the implied force of government to compel one to register, even if one has no desire to register.
10. As a former law enforcement officer I know the courts have continuously held that implied use of force can be as simple as a law enforcement officer showing up. It can also be as simple as a letter from the IRS.
11. That use of force has never been approved by the legislative branch from which such authority must derive.
12. As, in *O’Neil v. Insurance Co.*, 166 Pa. 72 (1895), “Mr. Justice Williams said: “The effect of our cases is to settle firmly the rule that the law must be complete in all its terms and provisions when it leaves the legislative branch of government, and that nothing must be submitted to the judgment of the electors or other appointee of the Legislature except an option to become or not to become subject to its

requirements and penalties.” He further stated: “The elementary books divide a statute into three parts, the declaratory, the directory and the vindicatory.” (1) As Chair of the Senate State Government Committee I have asked the Secretary of State in Committee hearings and at a demonstration of the system at a PennDOT location where the authority exists in law for them to compel citizens to vote. The citations upon which Governor Shapiro and the Secretary of State hang their arguments have not declared the need for compulsory voter registration, have not directed compulsory voter registration nor described vindicatory actions to be taken if a citizen of the Commonwealth refuses to comply and become a qualified elector.

13. The actions of Governor Shapiro, Secretary Schmidt and Secretary Carol which applies that use of force against every citizen of the Commonwealth who is seeking a drivers license is an ultra vires act which usurps my and my fellow legislators’ role.

14. Given this use of force against the citizens is on-going and the legislative process of impeachment or other actions to respond to this usurpation leaves every citizen who does not wish to register to vote under the compulsion of the state government, this court provides the most imminent opportunity to stop that act of official oppression.

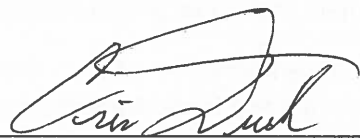
15. For parallel reasons outlined above, President Biden’s Executive Order 14019 is an ultra vires act. Neither The People of the United States nor The People of the Commonwealth of Pennsylvania have granted to any President or office of the Executive of the United States, the authority to override the will of The People of Pennsylvania as expressed through law created by those of us in the General Assembly prohibiting the influence of third-party entities in elections.

16. If the players and coaches (Executive Branch) and/or the referees (Judicial) collude to change the rules created by the rules committee (Legislative) there is confusion and chaos on the field of play, on the sidelines and, most importantly, in the owner’s boxes. As these ultra vires acts have continued and are increasing, we are seeing more and more angst among the franchise owners, and with cause.

17. As one who represents over a quarter million franchise owners in the Commonwealth, I experience the angst they feel daily. They want the rule of law to mean something. Increasing usurpations by those who are meant to execute the laws or referee them on the field of play is fueling an increase in that angst and it is becoming increasingly strident among those whom I serve.

18. I implore The Court to recognize that fouls have been made. I implore the court to call those fouls and implement the remedies sought in this suit.

Dated: February 4, 2024



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(1) *Commentaries on the Constitution of Pennsylvania, Thomas Raeburn White of the Philadelphia Bar, 1907, p 183*